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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,412	12/04/2003	Ola Bostrom	AFK 26672 US	7713

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SUITE B
TIJERAS, NM 87059-7507

EXAMINER

BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,412	Applicant(s) BOSTROM ET AL.	
	Examiner Drew J. Brown	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/26/06 (amendment).
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4 and 9-11 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed on 6/26/06. Claims 1 and 9 have been amended and claims 5-8 have been canceled.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The non-statutory subject matter is recited in the last line of claim 9, which claims an upper arm of a seat occupant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putsch (U.S. Pat. No. 4,946,191) in view of Karwaczynski (U.S. Pat. No. 6,935,590 B2).

With respect to claim 1, Putsch discloses a module housing (1), a safety belt (3) to belt in a seat occupant seated in a vehicle seat in the motor vehicle, a side airbag module having an airbag (6'') inflatable into a deployed position in which it provides lateral support for the seat occupant, where the side airbag module also includes an associated gas generator (column 2, lines 43-45) for supplying compressed gas to effect deployment of the airbag. The safety belt and the side airbag module are commonly mounted in the module housing (Figure 2). Putsch also discloses that the belt take-up roller is disposed adjacent an exit slot formed in the module

Art Unit: 3616

housing through which the safety belt exits the module housing and the side airbag module is located underneath the belt take-up roller (module at recess 5' for airbag 6'').

Although it is old and well known in the art to have a take-up roller that winds and unwinds the safety belt, Putsch does not specifically disclose a take-up roller.

However, Karwaczynski does disclose a take-up roller (28) that is used in conjunction with a safety belt (12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Putsch in view of the teachings of Karwaczynski to mount a take-up roller in the module housing to wind and unwind the safety belt in order to keep the occupant in a safe position during a collision.

With respect to claim 2, Putsch discloses that the security module is adapted to be mounted on a side wall of the seat back of the vehicle seat (column 2, lines 12-19).

With respect to claim 3, Putsch discloses that the module housing includes a wall disposed against the side wall of the seat back of the vehicle seat (Figures 1 and 2).

With respect to claim 4, Putsch discloses that the module housing comprises an outer surface compatibly configured with a seat cover that covers the vehicle seat (column 2, lines 48-50).

With respect to claim 9, Putsch discloses that the module housing is disposed on, and oriented relative to, the seat back of the vehicle seat such that the exit slot for the safety belt is disposed in the region of an upper edge of the seat back (column 2, lines 30-33) and the airbag (6'') of the side airbag module exits the module housing in the region of an upper arm of a seat occupant seated on the vehicle seat (Figure 5).

With respect to claim 10, Putsch discloses that the module housing comprises a predetermined give-way location operable to give way so as to provide an exit opening through which the airbag deploys from the module housing (column 2, lines 48-53).

With respect to claim 11, Karwaczynski discloses that the belt take-up roller and the side airbag module are connected to a common control for a common connection of the belt take-up roller and the side airbag module to a vehicle control system (column 4, lines 43-50). Karwaczynski does not disclose that a socket plug connects the belt take-up roller and the side airbag module. However, it is old and well known in the art to use socket plugs to form an electrical connection between two elements. Therefore, it would have been obvious to one

Art Unit: 3616

having ordinary skill in the art at the time the invention was made to further modify the combination of Putsch to use a socket plug connection to reduce the manufacturing and installation costs because only one control system is needed to control both elements.

Response to Arguments

5. Applicant's arguments filed on 6/26/06 have been fully considered but they are not persuasive.

On pages 5-6 Applicant argues that the seat belt or the associated take-up roller and the side airbag module are not mounted in a common module housing. Applicant argues that the takeup rollers for the shoulder belts are mounted in the interior of the back rest and that the side airbag module is mounted in the side wing of the seat. The Examiner maintains that the rejection is proper. The backrest and the side wings are integral and form a single seat in which the passenger occupies. There is no distinct point where the side wing and the backrest are separated, therefore, the take-up roller for the shoulder belt and the side airbag module are accommodated in a common housing.

On page 6 Applicant argues that Karwaczynski fails to disclose a belt uptake-roller in combination with a side airbag module. As noted in the last Office Action, belt uptake-rollers are old and well known in the art. Also, Karwaczynski is not relied upon to teach a belt uptake-roller in combination with a side airbag module. While Putsch is relied upon to teach a seat belt in combination with a side airbag module, Karwaczynski is relied upon to teach that it is obvious to have a belt uptake-roller associated with a seat belt.

On pages 6-7 Applicant argues that Putsch does not disclose any kind of exit slot. Putsch does disclose that the shoulder belt enters the backrest of the seat (column 2, lines 30-37). As discussed above, the backrest and the side wings form a common housing. Also, because the shoulder belt enters the backrest of the seat and does not pass through a space between the head of the user and the vehicle body, an exit slot is inherently formed in the backrest to allow the shoulder belt to pass through cleanly.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
8/25/06


PAUL N. DICKSON 8/30/06
SUPERVISORY PATENT EXAMINER
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